

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**UNITED STATES OF AMERICA,**

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**Filed Under Seal**

## Plaintiff,

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V

NO. 1-15-CR-348 SS

## **GARRY WAYNE CRAIGHEAD,**

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## Defendant.

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## **DEFENDANT'S MOTION FOR CONTINUANCE**

Defendant Garry Wayne Craighead (“Defendant”), by and though his undersigned counsel, files this Motion for Continuance and moves for an order to continue:

- 1) the due date for Defendant's response to the presentence investigation report (objections and sentencing memorandum), which is March 21, 2016, and
- 2) Defendant's sentencing hearing, which is currently set for April 1, 2016.

If necessary, Defendant also moves for a finding of excludable time under the Speedy Trial Act as found in Title 18, United States Code, Sections 3161, et seq., for the reason, summarily stated, that the ends of justice outweigh the best interests of the public and Defendant in a speedy trial as the same is specifically defined in the aforesaid Act. Defendant states further that the factors to be considered in this motion in making the findings requested are included in the aforesaid Act in Section 3161, paragraph (h).

Defendant explains the need for a continuance in the following paragraphs.

## **MEMORANDUM IN SUPPORT**

Defendant is currently in custody awaiting his April 1, 2016 sentencing hearing.

U.S. Probation Officer Agustin Marquez sent Defendant's presentence investigation report ("PSR") to Defendant's counsel on the evening of March 9, 2016. Mr. Marquez also informed Defendant's counsel that the current deadline to respond to the PSR with objections and a sentencing memorandum is March 21, 2016.

The PSR contains numerous statements which are allegations at best and fabrications at worst. These statements could negatively influence this Court to a great degree regarding its sentencing determination for Defendant. The PSR also provides no evidence to support any of these statements, nor does it specify the source(s) of the statements. This greatly prejudices the Defendant, and further prevents Defendant from being able to respond properly in the current timeframe.

Defendant needs additional time to collect the information and documents necessary to properly object to the PSR's statements and give the Court the opportunity to make a fair and just sentencing determination. Thus, Defendant respectfully requests a continuance of both the due date for the objections and sentencing memorandum in response to the PSR, as well as Defendant's sentencing hearing date.

This motion is not made to harass this court, and it is in the interests of justice that it be granted in that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendants in a speedy trial pursuant to 18 U.S.C. § 3161(h)(8). Additionally, the defendant requests the continuance to exercise the right to effective assistance of counsel as guaranteed by the 6th Amendment to the United States Constitution.

Defendant certifies that the reason for the request does not include general congestion of the Court's calendar, or lack of diligent preparation on the part of the parties involved.

WHEREFORE, the defendant, Garry Wayne Craighead, by and through counsel, respectfully files this motion to continue the due date for the objections and sentencing memorandum in response to the presentence investigation report, as well as the April 1, 2016 sentencing hearing date.

Respectfully Submitted,

*/s/ James S. Bell*

By: \_\_\_\_\_

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**ATTORNEY FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court on March 16, 2016.

*/s/ James S. Bell*

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**James S. Bell**